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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,553	09/08/2003	Gina C. Pischke	BO1 - 0256US	3334

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EXAMINER	
LO, SUZANNE	

ART UNIT	PAPER NUMBER
2128	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,553	PISCHKE ET AL.	
	Examiner	Art Unit	
	Suzanne Lo	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/08/03 07/26/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 been presented for examination.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 07/26/06 and 09/08/03 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner has considered the IDS' as to the merits.

Claim Objections

3. Claims 17 and 26 objected to because of the following informalities: "fist" should be replaced with "first". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the claims do not have a tangible output.

Specifically, claims 9-17 recites a computer program in the form of an algorithm. It should be noted that code (i.e., a computer software program) does not do anything per se. Instead, it is the code stored on a computer that, when executed, instructs the computer to perform various functions. The following claim is a generic example of a proper computer program product claim;

A computer program product embodied on a computer-readable medium and comprising code that, when executed, causes a computer to perform the following:

Function A
Function B
Function C, etc...

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-7, 14-16, and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-7 and 23-24 recite the limitation "the seat". There is insufficient antecedent basis for this limitation in the claim. The parent claims 1 and 18 recite a plurality of seats and it is unclear which seat claims 6-7 and 23-24 refer to.

Claims 14-16 recite the limitation "the seat". There is insufficient antecedent basis for this limitation in the claim.

Claims 14-16 recite the limitation "the criteria". There is insufficient antecedent basis for this limitation in the claim.

Claim 15 is an improper dependent claim - it is dependent on self and not further limiting. Therefore, claims 14-16 are not treated on merit.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-2, 4-7, 9-10, 12-13, 18-19, and 21-24 are rejected** under 35 U.S.C. 102(b) as being clearly anticipated by **Lohmann et al. (U.S. Patent Application Publication 2002/0026296 A1).**

As per claim 1, Lohmann is directed to a method for generating computer-based models of seats in a passenger compartment from a two-dimensional drawing, the method comprising: receiving a two-dimensional lay-out drawing (**[0024]**); extracting dimensions for the placement of seats from the received two-dimensional drawing; assigning part numbers to the placed seats (**[0030]**); and generating a model of the seats placed in a three-dimensioned representation of the passenger cabin based upon the extracted dimensions and assigned part numbers (**[0031]**).

As per claim 2, Lohmann is directed to the method of claim 1, wherein generating of the model includes generating cable lengths for wiring runs (**[0029]**).

As per claim 4, Lohmann is directed to the method of claim 1, wherein generating of the model includes generating a two-dimensional seat installation drawing (**[0031]**).

As per claim 5, Lohmann is directed to the method of claim 1, wherein assigning part numbers includes referring to a data table including criteria associated with the part number (**[0030]**).

As per claim 6, Lohmann is directed to the method of claim 5, wherein the criteria include dimensions of the seat (**[0012],[0030]**).

As per claim 7, Lohmann is directed to the method of claim 5, wherein the criteria include a three-dimensional representation of the seat (**[0012],[0030]**).

As per claims 18-19, 21-24, Lohmann is directed to a system for generating computer-based models of seats in a passenger compartment from a two-dimensional drawing, the system comprising program code means for the method of claims 1-2, 4-7 and are therefore rejected under the same art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 9-10, 12-13, 17 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmann et al. (U.S. Patent Application Publication 2002/0026296 A1) **in view of Weber et al. (U.S. Patent No. 6,113,644).**

As per claims 9-10, 12-13, Lohmann is directed to a computer program for generating computer-based models of seats in a passenger compartment from a two-dimensional drawing, the computer program comprising program code means for the method of claims 1-2, 4-5 and are therefore rejected under the same art but fails to explicitly disclose the computer-program residing on a readable memory medium. Weber teaches the program residing on a readable memory medium **(column 10, lines 44-58)**. Lohmann and Weber are analogous art because they are both from the same field of endeavor, occupant based vehicle design. It would have been obvious to an ordinary person skilled in the art at the time of

the invention to combine the program for generating seat models of Lohmann with the medium of Weber in order to conveniently access the seat models.

As per claim 17, the combination of Lohmann and Weber already discloses the computer program of claim 9, wherein the fist, second, third, and fourth computer program code means are stored on a computer readable medium accessible over a network on an active service page **(column 10 line 64- column 11, line 3)**.

As per claim 26, Lohmann is directed to the system of claim 18, but fails to specifically disclose wherein the fist, second, third, and fourth component means include computer program code stored on a computer readable medium accessible over a network on an active service page. Weber teaches the program stored on a readable memory medium accessible over a network **(column 10, line 44 – column 11, line 3)**. Lohmann and Weber are analogous art because they are both from the same field of endeavor, occupant based vehicle design. It would have been obvious to an ordinary person skilled in the art at the time of the invention to combine the program for generating seat models of Lohmann with the medium of Weber in order to increase flexibility of project workstation locations.

8. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lohmann et al. (U.S. Patent Application Publication 2002/0026296 A1) in view of Kashiwamura et al. (U.S. Patent No. 6,132,108).**

As per claim 3, Lohmann is directed to the method of claim 1, but fails to specifically disclose wherein generating of the model includes generating seat loads. Kashiwamura teaches calculating seat loads **(column 20, lines 48-55)**. Lohmann and Kashiwamura are analogous art because they are both from the same field of endeavor, generation of seat models in a passenger compartment. It would have been obvious to an ordinary person skilled in the art at the time of the invention to combine the method of seat placement of Lohmann with the seat load generation step of Kashiwamura in order to efficiently

obtaining effective information in designing structures **(Kashiwamura, column 1, lines 54-57)** with respect to regulations and other requirements **(Lohmann, [0032])**.

As per claims 20, Lohmann is directed to a system for generating computer-based models of seats in a passenger compartment from a two-dimensional drawing, the system comprising program code means for the method of claim 3 and is therefore rejected over the same art combination.

9. **Claims 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lohmann et al. (U.S. Patent Application Publication 2002/0026296 A1) and Weber et al. (U.S. Patent No. 6,113,644) **in further view of Kashiwamura et al. (U.S. Patent No. 6,132,108).**

As per claim 11, Lohmann and Weber is directed to a computer program of claim 9 but fails to specifically disclose wherein the fourth computer program code means includes a sixth computer program code means configured for generating seat loads. Kashiwamura teaches calculating seat loads **(column 20, lines 48-55)**. Lohmann, Weber, and Kashiwamura are analogous art because they are both from the same field of endeavor, generation of seat models in a passenger compartment. It would have been obvious to an ordinary person skilled in the art at the time of the invention to combine the method of seat placement of Lohmann and Weber with the seat load generation step of Kashiwamura in order to efficiently obtaining effective information in designing structures **(Kashiwamura, column 1, lines 54-57)** with respect to regulations and other requirements **(Lohmann, [0032])**.

10. **Claims 8 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lohmann et al. (U.S. Patent Application Publication 2002/0026296 A1) in view of Noma et al. (U.S. Patent Application Publication 2004/0010398 A1).**

As per claim 8, Lohmann is directed to the method of claim 5, but fails to specifically disclose wherein the criteria include the recant paths of the seat backs. Noma teaches parameters that include the

recant paths (**[0123]-[0129]**). Lohmann and Noma are analogous art because they are both from the same field of endeavor, generation of models of seats in a passenger compartment. It would have been obvious to an ordinary person skilled in the art at the time of the invention to combine the seat placement method of Lohmann with the interior space calculation step of Noma in order to determine the interior comfort of passengers (**[0066]**).

As per claims 25, Lohmann is directed to a system for generating computer-based models of seats in a passenger compartment from a two-dimensional drawing, the system comprising program code means for the method of claim 8 and is therefore rejected over the same art combination.

Conclusion

11. The prior art made of record is not relied upon because it is cumulative to the applied rejection. These references include:

1. U.S. Patent Application No. 2002/0161563 A1 published by Elabaid et al. on 10/31/02.
2. U.S. Patent Application No. 2003/0018454 A1 published by Winkler et al. on 01/23/03.
3. U.S. Patent Application No. 5,611,503 issued to Brauer on 03/18/97.

12. All Claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Lo whose telephone number is (571)272-5876. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571)272-2297. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Suzanne Lo
Patent Examiner
Art Unit 2128

SL
09/13/06

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SUPERVISORY PATENT EXAMINER